

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

AMENDMENTS TO LB 458

1 1. Insert the following new sections:

2 "Section 1. Section 46-230, Revised Statutes Supplement,
3 2001, is amended to read:

4 46-230. As the adjudication of a stream progresses and
5 as each claim is finally adjudicated, the director shall make and
6 cause to be entered of record in his or her office an order
7 determining and establishing the ~~several~~ priorities of right to use
8 the water of such stream, the amount of the appropriation of the
9 ~~several~~ persons claiming water from such stream and the character
10 of use for which each appropriation ~~shall be~~ is found to have been
11 made, and the address of the owner of each water appropriation. It
12 shall be the duty of every owner of an appropriation to give notice
13 to the department of its address and any change of its address or
14 of the name of the owner of the appropriation. Notification shall
15 be in such form and shall include such evidence of ownership as the
16 director may by regulation require. Upon receipt of such notice,
17 the department shall update its records. ~~The department shall~~
18 ~~establish a uniform fee for filing such notices, notices filed~~
19 ~~pursuant to section 76-2,124, and notices filed pursuant to~~
20 ~~subsection (6) of section 46-602. Such fees shall be no higher~~
21 ~~than the amount necessary to cover the costs incurred by the~~
22 ~~department for processing such notices in accordance with this~~
23 ~~section, subsection (6) of section 46-602, and section 76-2,124.~~
24 The fee shall be paid at the time of filing the notice and shall be

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 ~~remitted to the State Treasurer for credit to the Department of~~
2 ~~Natural Resources Cash Fund~~ The department shall not collect a fee
3 for the filing of the notice.

4 Sec. 2. Section 46-602, Revised Statutes Supplement,
5 2001, is amended to read:

6 46-602. (1) Each water well completed in this state on
7 or after July 1, 2001, excluding test holes and dewatering wells to
8 be used for less than ninety days, shall be registered with the
9 Department of Natural Resources as provided in this section within
10 sixty days after completion of construction of the water well. The
11 water well contractor as defined in section 46-1213 constructing
12 the water well, or the owner of the water well if the owner
13 constructed the water well, shall file the registration on a form
14 made available by the department and shall also file with the
15 department the information from the well log required pursuant to
16 section 46-1241. The department shall, by January 1, 2002, provide
17 water well contractors with the option of filing such registration
18 forms electronically. No signature shall be required on forms
19 filed electronically. The fee required by section 46-1224 shall be
20 the source of funds for any required fee to a contractor which
21 provides the on-line services for such registration. Any discount
22 in the amount paid the state by a credit card, charge card, or
23 debit card company or a third-party merchant bank for such
24 registration fees shall be deducted from the portion of the
25 registration fee collected pursuant to section 46-1224.

26 (2) If the newly constructed water well is a replacement
27 water well, the registration number of the water well it replaces,

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 if applicable, and the date the original water well was or will be
2 decommissioned shall be included on the registration form. For
3 purposes of this section, replacement water well means a water well
4 which (a) replaces an abandoned water well within three years after
5 the last operation of the abandoned water well or replaces a water
6 well that will not be used after construction of the new water well
7 and the original water well will be abandoned within one year after
8 such construction and (b) is constructed to provide water to the
9 same tract of land served by the water well being replaced. No
10 water well shall be registered as a replacement water well until
11 the department has received a properly completed notice of
12 abandonment for the water well being replaced.

13 (3) For a series of two or more water wells completed and
14 pumped into a common carrier as part of a single site plan for
15 irrigation purposes, a registration form and a detailed site plan
16 shall be filed for each water well. The registration form shall
17 include the registration numbers of other water wells included in
18 the series if such water wells are already registered.

19 (4) A series of water wells completed for purposes of
20 installation of a ground heat exchanger for a structure for
21 utilizing the geothermal properties of the ground shall be
22 considered as one water well. One registration form and a detailed
23 site plan shall be filed for each such series.

24 (5) One registration form shall be required along with a
25 detailed site plan which shows the location of each such water well
26 in the site and a log from each such water well for water wells
27 constructed as part of a single site plan for (a) monitoring ground

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 water, obtaining hydrogeologic information, or extracting
2 contaminants from the ground, (b) water wells constructed as part
3 of remedial action approved by the Department of Environmental
4 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and
5 (c) water well owners who have a permit issued pursuant to the
6 Industrial Ground Water Regulatory Act and also have an underground
7 injection control permit issued by the Department of Environmental
8 Quality.

9 (6) The department shall be notified by the owner of any
10 change in the ownership of a water well required to be registered
11 under this section. Notification shall be in such form and include
12 such evidence of ownership as the Director of Natural Resources by
13 rule and regulation directs. The department shall use such notice
14 to update the registration on file. ~~The department shall establish~~
15 ~~a uniform fee for filing such notices, notices filed pursuant to~~
16 ~~section 76-2,124, and notices filed pursuant to section 46-230.~~
17 ~~Such fees shall be no higher than the amount necessary to cover the~~
18 ~~costs incurred by the department for processing such notices in~~
19 ~~accordance with this section and sections 46-230 and 76-2,124. The~~
20 ~~fee shall be paid at the time of filing the notice and shall be~~
21 ~~remitted to the State Treasurer for credit to the Department of~~
22 ~~Natural Resources Cash Fund~~ The department shall not collect a fee
23 for the filing of the notice.

24 (7) The water well contractor or pump installation
25 contractor responsible therefor shall notify the department on a
26 form provided by the department of any pump installation or any
27 modifications to the construction of the water well or pump, after

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 the initial registration of the well. A water well owner shall
2 notify the department on a form provided by the department of any
3 other changes or any inaccuracies in recorded water well
4 information, including, but not limited to, changes in use. ~~The~~
5 ~~fee for filing any such document shall be governed by section~~
6 ~~33-105~~ The department shall not collect a fee for the filing of the
7 notice.

8 (8) Whenever a water well becomes an illegal water well
9 as defined in section 46-656.07, the owner of the water well shall
10 either correct the deficiency that causes the well to be an illegal
11 water well or shall cause the proper decommissioning of the water
12 well in accordance with rules and regulations adopted pursuant to
13 the Water Well Standards and Contractors' Licensing Act. Upon
14 proper decommissioning of any water well, written notice of
15 abandonment shall be provided by the owner to the department within
16 sixty days. The department shall not collect a fee for the filing
17 of the notice.

18 (9) Except for water wells which are used solely for
19 domestic purposes and were constructed before September 9, 1993,
20 and for test holes and dewatering wells used for less than ninety
21 days, each water well which was completed in this state before July
22 1, 2001, and which is not registered on that date shall be an
23 illegal water well until it is registered with the Department of
24 Natural Resources. Such registration shall be completed by a water
25 well contractor or by the current owner of the water well, shall be
26 on forms provided by the department, and shall provide as much of
27 the information required by subsections (1) through (5) of this

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 section for registration of a new water well as is possible at the
2 time of registration.

3 Sec. 3. Section 46-606, Revised Statutes Supplement,
4 2001, is amended to read:

5 46-606. (1) The Director of Natural Resources shall
6 collect in advance a registration fee of thirty dollars and the fee
7 required by section 46-1224 for each water well registered under
8 section 46-602 except as provided in subsections (2) through (5) of
9 this section.

10 (2) For water wells permitted pursuant to the Industrial
11 Ground Water Regulatory Act, the director shall collect in advance
12 a registration fee of thirty dollars and the fee required by
13 section 46-1224 for each of the first ten such water wells
14 registered under section 46-602, and for each group of ten or fewer
15 such water wells registered thereafter, the director shall collect
16 in advance a registration fee of thirty dollars and the fee
17 required by section 46-1224.

18 (3) For a series of water wells completed for purposes of
19 installation of a ground heat exchanger for a structure for
20 utilizing the geothermal properties of the ground, the director
21 shall collect in advance a fee of thirty dollars for each such
22 series and the fee required by section 46-1224.

23 (4) For water wells constructed as part of a single site
24 plan for monitoring ground water, obtaining hydrogeologic
25 information, or extracting contaminants from the ground, the
26 director shall collect in advance a registration fee of thirty
27 dollars and the fee required by section 46-1224 for each of the

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 first five such water wells registered under section 46-602, and
2 for each group of five or fewer such water wells registered
3 thereafter, the director shall collect in advance a registration
4 fee of thirty dollars and the fee required by section 46-1224.
5 However, if such water wells are a part of remedial action approved
6 by the Department of Environmental Quality pursuant to section
7 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this
8 subsection shall be collected as if only one water well was being
9 registered and the fee required by section 46-1224 shall be
10 collected.

11 (5) (a) For a series of two or more water wells completed
12 and pumped into a common carrier as part of a single site plan for
13 irrigation purposes, the director shall collect in advance a
14 registration fee of thirty dollars and the fee required by section
15 46-1224 for each of the first two such wells registered under
16 section 46-602.

17 (b) Any additional water wells which are part of a series
18 registered under this subsection shall not be subject to a new well
19 registration fee.

20 (6) The director shall remit the fees collected to the
21 State Treasurer for credit to the appropriate fund. The From the
22 registration fees required by subsections (1) through (5) of this
23 section, the State Treasurer shall credit to the Department of
24 Natural Resources Cash Fund one-half the amount determined by the
25 Department of Natural Resources to be necessary to pay for the
26 costs of notices filed pursuant to section 46-230, the costs of
27 water resources update notices required by section 76-2,124, and

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 the costs for making corrections to water well registration data
2 authorized by subsections (6) and (7) of section 46-602 and shall
3 credit the remainder of the registration fees required by
4 subsections (1) through (5) of this section to the Water Well
5 Decommissioning Fund. From the fees required by section 46-1224,
6 the State Treasurer shall credit to the Department of Natural
7 Resources Cash Fund one-half the amount determined by the
8 Department of Natural Resources to be necessary to pay for the
9 costs of registering such water wells on-line as authorized by
10 subsection (1) of section 46-1224 the notices filed pursuant to
11 section 46-230, the costs of water resources update notices
12 required by section 76-2,124, and the costs for making corrections
13 to water well registration data authorized by subsections (6) and
14 (7) of section 46-602 and shall credit the remainder of the fees
15 required by section 46-1224 to the Water Well Standards and
16 Contractors' Licensing Fund. This subsection terminates on
17 December 31, 2004.

18 Sec. 8. Section 61-210, Revised Statutes Supplement,
19 2001, is amended to read:

20 61-210. The Department of Natural Resources Cash Fund is
21 created. The State Treasurer shall credit to such fund such money
22 as is specifically appropriated or reappropriated by the
23 Legislature. The State Treasurer shall also credit such fund with
24 payments, if any, accepted for services rendered by the department
25 and fees collected pursuant to subdivision (10) of section 33-105,
26 ~~subsection (6) of section 46-602,~~ subsection (6) of section 46-606,
27 ~~sections 46-230, 61-209, and 76-2,124~~ and section 61-209. The

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 funds made available to the Department of Natural Resources by the
2 United States, through the Natural Resources Conservation Service
3 of the Department of Agriculture or through any other agencies,
4 shall be credited to the fund by the State Treasurer. Any money in
5 the fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act. The Department of
8 Natural Resources shall allocate money from the fund to pay costs
9 of the programs or activities of the department. The Director of
10 Administrative Services, upon receipt of proper vouchers approved
11 by the department, shall issue warrants on the fund, and the State
12 Treasurer shall countersign and pay from, but never in excess of,
13 the amounts to the credit of the fund. The State Treasurer shall
14 transfer any money in the Department of Water Resources Cash Fund
15 and in the Nebraska Natural Resources Commission Cash Fund on July
16 1, 2000, to the Department of Natural Resources Cash Fund.

17 Sec. 9. Section 76-2,124, Revised Statutes Supplement,
18 2001, is amended to read:

19 76-2,124. (1) Any person transferring ownership of real
20 property not inside the corporate limits of a municipality shall
21 complete and provide to the transferee, at or before the closing of
22 the transfer, a water resources update notice acknowledging (a)
23 whether any surface water rights issued pursuant to Chapter 46,
24 article 2, and in the name of any party other than an irrigation
25 district, public power and irrigation district, or mutual
26 irrigation company are attached to the real property, ownership of
27 which is being transferred, and (b) whether there are any water

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 wells, except water wells used solely for domestic purposes and
2 constructed prior to September 9, 1993, on the real property,
3 ownership of which is being transferred. If the water resources
4 update notice discloses the existence of such surface water rights
5 or such water wells, the transferee shall complete the water
6 resources update notice and shall file it with the Department of
7 Natural Resources within sixty days after recording the deed or
8 other instrument by which the transfer of ownership of real
9 property is made. The department shall use such notice to update
10 ownership of surface water rights and water well registrations as
11 required by sections 46-230 and 46-602.

12 (2) The department shall prescribe the form and content
13 of the water resources update notice and shall make such forms
14 available to title insurance companies and other persons as deemed
15 appropriate by the department. The requirement that a water
16 resources update notice be filed with the department or the failure
17 to file such a notice does not affect the recording, legality, or
18 sufficiency of a deed or other instrument evidencing the transfer
19 of ownership of real property.

20 (3) The department shall ~~establish a uniform fee which~~
21 ~~shall be no higher than the amount necessary to cover costs~~
22 ~~incurred by the department for processing~~ not collect a fee for the
23 filing of the water resources update notices. ~~7 notices filed~~
24 ~~pursuant to section 46-230,~~ and notices filed pursuant to
25 ~~subsection (6) of section 46-602.~~ The fee shall be paid at the time
26 of filing the water resources update notice and shall be remitted
27 to the State Treasurer for credit to the Department of Natural

AM2962
LB 458
MHF-02-27

AM2962
LB 458
MHF-02-27

1 ~~Resources Cash Fund.~~".

2 2. On page 4, line 2, before "are" insert ", and
3 sections 46-230, 46-602, 46-606, 61-210, and 76-2,124, Revised
4 Statutes Supplement, 2001,".

5 3. In the Baker amendment, AM2293, on page 10, line 23,
6 strike "and".

7 4. Renumber the remaining sections accordingly.